



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,664	12/04/2000	Steven R. Kursh	2910.1000-001	6351

21005 7590 07/01/2005

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133

EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
----------	--------------

2654

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/729,664

**Applicant(s)**

KURSH

**Examiner**

Angela A. Armstrong

**Art Unit**

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 13, 2005, has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Stimson et al & Gorog**

4. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson et al (U.S. Patent 5,577,109 A) in view of Gorog (U.S. Patent 4,947,028 A) and well-known prior art.

5. Regarding claims 1 and 8 as understood by the Examiner, Stimson et al, with the invention for a pre-paid card system and method, reads on the claim for maintaining accounting data as follows:

Stimson et al read on the step of (a) providing a database for storing desired accounting data (column 2 lines 25-29 - see column 5 line 49);

Stimson et al read on the step of (b) using an automated voice interface to the database during a telephone call, for spoke communication by a user (col. 4, lines 57-64) over a communication Line, prompting the user to enter accounting data primarily by speaking into a phone connected to the telephone call using natural language speech utterances instead of the user keyboarding (column 4 lines 57-64) , instead of requiring the user log onto a global network and effectively, a direct, spoken manner instead of with intermediate transfer of data by the user, the voice interface receiving audible signals indicative of words spoken by the user into the hone in response to said prompting (column 5 lines 43- 64, where no mention is made of either logging on or intermediate data transfer);

Stimson et al read on the feature where said prompting includes (i) initiating a first call to the user. Stimson et al read on the step of (c) obtaining from the received audible signals certain

Art Unit: 2654

accounting data corresponding to the words spoken by the user into the phone (column 5 Line 48 - see column 4 lines 57-64).

Stimson does not teach asking the user to confirm information. However, prompting the user to confirm information was well known in the art, so as to ensure the appropriate data/information has been received and will be further processed, and it would have been obvious to modify the system of Stimson to implement user confirmations, so as to minimize erroneous inputs and undesired processing results being provided to the user.

Stimson et al does not mention storing accounting data. Gorog, with the invention for automated order and payment, reads on the step of (d) storing the obtained certain accounting data in the database (column 2 lines 54-55- see column 3 lines 45-62). It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Gorog to the device/method of Stimson et al so as to allow individuals with visual and mobility disabilities, to place orders, pay for and receive merchandise.

Stimson et al read on the step of (e) serving an individually targeted message to the user through the phone over the communication Line, said individually targeted message having contents unrelated to account status of the telephone call (column 5 lines 51-54, "this security code is invalid").

6. Regarding claims 2 and 9, the claims are set forth with the same limits as claims 1 and 8, respectively. Additionally, Stimson et al reads on the feature that the communication Line is a wireless or land telephone network (column 2 lines 41-42; col. 4, lines 57-64).

7. Regarding claims 3 and 10; the claims are set forth with the same limits as claims 1 and 8, respectively. Additionally, Stimson et al reads on the feature that the automated voice interface is computer implemented, (column 2 lines 41-42).

**Stimson et al, Gorog, well known prior art & Skinner et al**

8. Claims 4-6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson et al in view of Gorog and further in view of Skinner et al (U.S. Patent No. 6,185,514 B1).

9. Regarding claims 4 and 11; the claims are set forth with the same limits as claims 1 and 8, respectively. While Stimson et al provides the ability to review data to merchants, neither Stimson et al nor Gorog stipulate peer review by users. Skinner et al (column 4 lines 58-63) reads on the feature of automatically providing accounting data stored in the database to another user. It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Skinner et al to the device/method of Stimson et al & Gorog to provide information to other using individuals for review, approval and accounting.

10. Regarding claims 5 and 12; the claims are set forth with the same limits as claims 4 and 11, respectively. Where Stimson et al discloses providing financial data to a merchant, Stimson et al & Gorog do not clearly indicate that this is automatic. Skinner et al (column 4 lines 58-63)

Art Unit: 2654

read on the feature that the step of automatically providing includes providing the accounting data as a function of predefined rules. It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Skinner et al to the device/method of Stimson et al & Gorog to restrict access to authorized individuals.

11. Regarding claims 6 and 13; the claims are set forth with the same limits as claims 1 and 8, respectively. Stimson et al & Gorog do not include workflow tracking. Skinner et al reads on the feature that desired accounting data includes length of time (as in column 5 Line 8), dates (column 13 Line 12), project identifier (column 5 line 18), type of expense (column 20 lines 4-5), and that the data base stores desired accounting data in corresponding data fields (1706 in figure 17). It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Skinner et al to the device/method of Stimson et al & Gorog to deduce the time of an operator from recorded equipment use.

**Stimson et al, Gorog, well known prior art & Sprague et al**

12. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson et al in view of Gorog and further in view of Sprague et al (U.S. Patent 5,247,575 A).

13. Regarding claims 7 and 14; the claims are set forth with the same limits as claims 1 and 8, respectively. Stimson et al & Gorog do not mention providing reports remotely. Sprague et al

Art Unit: 2654

(column 18 lines 12-15) provides the support for the capability (column 18 lines 49-50) that reads on the feature of retrieving accounting data from the database using the automated voice interface (of column 10 line 38). It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Sprague et al to the device/method of Stimson et al & Gorog that would provide management status on a timely basis by eliminating the delay for scheduled paper report delivery.

**Stimson et al, Gorog, well known prior art & Gomyo et al**

14. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson et al in view of Gorog and further in view of Gomyo et al (U.S. Patent No. 5,930,772 A).

15. Regarding claims 15 and 17; the claims are set forth with the same limits as claims 1 and 8, respectively. Stimson et al & Gorog does not speak to foreign language translation. Gomyo et al (column 12 Line 65 to column 13 line 3) reads on the feature of translating between languages. It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Gomyo et al to the device/method of Stimson et al to conserve space by not storing the same data redundantly, for a number of languages.

***Response to Arguments***

16. Applicant's arguments with respect to claims 1-15 and 17 have been considered but are moot in view of the new ground(s) of rejection.



Art Unit: 2654

***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A Armstrong  
Examiner  
Art Unit 2654

AAA  
June 27, 2005

*Angela A. Armstrong*